

**LAW OFFICES OF
LAWRENCE M. SMITH**

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July 1, 2010

Hon. Joseph C. Spero
United States District Court
450 Golden Gate Avenue
15th Floor, Courtroom A
San Francisco, CA 94102

Re: Investment Retrievers, Inc. v. Berrios, Case No. C 10-01168 SBA (JCS)

Dear Magistrate Judge Spero:

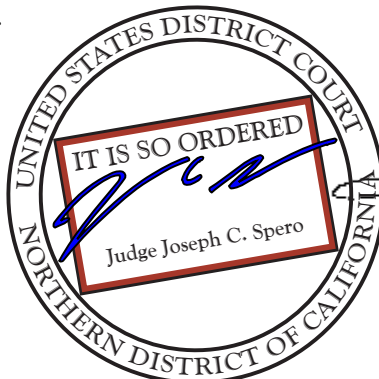
This letter constitutes my request for permission to appear telephonically at an upcoming hearing scheduled for September 10, 2010. I am counsel of record for plaintiff Investment Retrievers, Inc. in the above action ("Plaintiff"). The action was a State Court action removed by Mr. Berrios, in pro per, to the United States District Court. On or about June 2, 2010 the Court entered an Order Remanding Action without necessity of hearing Plaintiff's Motion for Remand. On or about June 14, 2010 the Court entered an Order of Reference pursuant to which Plaintiff's Motion for Award of Reasonable Attorney's Fees (the "Attorney's Fees Motion") was referred to you for determination. By Order entered on or about June 24, 2010, you scheduled the Motion for Attorney's Fees for hearing on September 10, 2010 at 9:30 a.m. in Courtroom A.

I would appreciate your permitting me to appear telephonically at the hearing on the Attorney's Fees Motion for the reason that the time for travel to make a personal appearance in San Francisco would be highly disproportionate to the amount in controversy in Attorney's Fees Motion, which only seeks an award of \$2,200.00. My offices are located in Sacramento, CA.

Thank you for consideration of this matter. If my request is approved, please have your staff advise me of the procedures and appropriate information. Please feel free to have your staff contact me if you have any questions.

Dated: 7/12/10

LMS/jf



Sincerely,

Lawrence M. Smith

A handwritten signature in blue ink, which appears to be "Lawrence M. Smith", is written over a horizontal line. The signature is stylized and cursive.

PROOF OF SERVICE

I am a resident of or employed in the County of El Dorado. I am over the age of eighteen (18) years and not a party to the within action; my business address is 4354 Town Center Blvd., Ste 114 #106, El Dorado Hills, CA 95762.

On July 1, 2010, I served the following document(s) in the manner specified below:

* **LETTER DATED JULY 1, 2010 TO HON. JOSEPH C. SPERO WITH PROOF OF SERVICE ATTACHED**

[XX] (BY MAIL) I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. The correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business. On the above referenced date, in El Dorado Hills, CA, I placed for deposit with the United States Postal Service the above-referenced document(s), in an envelope that was sealed and placed for collection and mailing on that date following ordinary business practices:

**Jesus Berrios
20 Nancy Ln
Daly City, CA 94014**

[] (BY PERSONAL SERVICE) by causing delivery by hand and leaving a true copy with a person at the address as shown below.

[] (BY FACSIMILE) transmitting a true copy thereof into a facsimile machine to the fax number provided by the person shown below.

[XX] (BY FEDERAL EXPRESS) placing a true copy thereof, enclosed in a sealed federal express envelope with postage thereon fully prepaid, in Federal Express dropbox at El Dorado Hills, California, addressed as shown below.

**United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102**
(for "Chambers Copy" for Hon. Joseph C. Spero)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on July 1, 2010, at El Dorado Hills, California.

JEFFREY FLETTERICK

**DECLARATION OF AUTHORIZED FILER ATTESTING THAT
CONCURRENCE IN FILING OF THIS DOCUMENT HAS BEEN
OBTAINED FROM THE SIGNATORY**

I, LAWRENCE M. SMITH, hereby declare that:

1. I am an attorney duly admitted to practice before this Court. I am counsel of record for Investment Retrievers, Inc., the plaintiff in this action ("Plaintiff"). I make the following statements based on my personal knowledge and, if called upon to testify to their truth, I could and would do so.
2. I am an ECF user registered as such with this Court. In accordance with General Order 45 of this Court, at Section X.B, I hereby attest that concurrence in the filing of this document has been obtained from the signatory.
3. A scanned image of the signature page of this document is attached hereto in lieu of maintaining the paper record for subsequent production if required.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 1, 2010, at Fair Oaks, California.

/s/
LAWRENCE M. SMITH

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